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FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2015 MAY 26 PM 2:15

In The District Court For County Nebraska

1. # Andre Pare #81789 * Pursuant to 42 USCA 1983
2. # Richy Fletcher #82089 * case no.
3. # Kenneth Capps #81513 * Civil Rights Complaint
4. # Kurt Brown #81055 * class action
5. # Cory MATHY #82182 *
6. # Terrence Thompson #81212 * 13. # Michael Fleming 82172
7. # Brian Spotts #80847 * 14. # Samuel Stewart / Lament Swarts 81782
8. # Lamar Dunn #82220 * 15. # William Jordan 81028
9. # Matthew Mayer 81198 * 16. # Bra abet 82080
10. # Chad Tunge 74215 * 17. # Eric Berning 82234
11. # Dennis Thomas 82077 *
12. # Andre Thomas 82165 *

plaintiffs

V.

Fred Britton, Scott Frakes, Jane Doe 1, Jane Doe 2, *

Mike Knoey, *

Defendants. *

Plaintiff Andre Pare, and plaintiff representing said suit

Basis Of Complaint.

This is a civil rights complaint alleging that since 2013 the department of corrections and its defendants mainly "Diagnostic and Evaluation Center in Lincoln Nebraska "DEC here in after" began to purposely overcrowding the "DEC" though over holding inmates for lack of money and programs, which has lead to serious and fatal injuries towards plaintiff Andre Pare and subjecting other plaintiffs and similar situated inmates at DEC as well as endanger the correctional officials. The DEC was knowingly

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constructed to housed 175 inmates. Approx: 1993 Dec doubled the inmates 'cell' living quarters to hold 350 inmates and now it houses over 530 inmates in excessively small quarters housing over 166% capacity. In 2015 inmates housed at 'Dec' stay can be from 6 months to 1 year. Living in extremely serious overcrowding conditions, where inmates outnumber correctional officials 8 to 1. The ongoing overcrowded situation not only creates physically air born diseases the inmate population has put an strain on medical staff to unlawfully disregard inmates physical and mental needs by doing whats called "passing the buck" wich means to pass the condition of inmates such as the representing plaintiff on to other staff or unqualified correctional officials that has no knowledge how to treat an inmate with full disease such as STAPHOCO Pneumonia

The living quarters is so grotesque that 22 inmates past the units 32 inmates capacity sleeps on the unit floor in cell block 4 around live insects and rodents and by unit trash cans. Insects invade inmates lockers living quarters and food, and unit toilets. The plaintiffs alleges that food is served on the unit 10 feet from the infested toilet area and 5 feet away from infested trash cans in the dayroom. The dayroom is also covered in sections used for emergency evacuation with inmates clean and dirty clothes blocking fire escapes and tornado evacuations. The dayroom where 22 inmates sleep are seriously overcrowded to the point that it already violates cood outlined by federal constitution "space per inmates", because of inmates made to sleep so close inmates or correctional officers can not evacuate in case of an fire and would lead to detrimental results for inmates and officials due to inmates or staff unable to move past a unit floor full of inmates. The unit closet that houses the sleeping mattress for inmates sleeping on the floor is full of mold and mildew. Plaintiff inmate and officials has filed grievance complaints, where these allegations has either been denied or ignored by the defendants these violations

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are being ignored for the sole purpose of continuing the overcrowding and constitutional violation. Sanitation on unit 4 as well as similar situated units at 'DEC' is completely broken down, and because the overflow of inmates, paint is peeling off the walls throughout the unit there is no place for inmates to store state issued clothing resulting in cloths piling up exposing a vile molder smell throughout the unit and visual insects crawling through inmates clothing, as well as laying eggs within the clothing. Fights and assaults usually gets set up by small groups and gangs leaving the inmates and correctional staff vulnerable to assaults. The phones and law library is overloaded and usually by tougher gangs and groups. The noise volume is at a level where mentally ill inmates are not able to stabilize. There is only 2 toilet and shower facility to accompany 54 inmates per cell block.

Plaintiff Andre Pare alleges in August 2013 was housed at DEC and stationed on the unit floor by the unit trash cans, as the only space to sleep. The plaintiff contracted a deadly and fatal disease called STAPHYLOCC PNEUMONIA. The plaintiff's temperature soared and he had an hard time breathing. When the plaintiff sought medical attention he was transported to the medical center where defendant Jane Doe rendered him aspirin and sent him back to sleep back on the infested floor in which he contracted the airborne disease. Plaintiff's situation became more dire where correctional officers transported him back to the medical center barely breathing, because of the number of inmates overloading the system he was seen by defendant Jane Doe and sent right back to the same condition. "Passing the buck to unqualified correctional officials"

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Within hours the plaintiff had stopped breathing and became unresponsive to medical staff whom had to be "SHOCKED" and brought back to life. From this event the outcome resulted in "Tissue" being removed from his left lung.

Some plaintiffs are within 2 to 6 months ^{release} Because the state lack money and common end science the plaintiff is subject to constitutional violations.

The 'Dec' is also understaffed and can not provide protection and or security for other inmates or themselves. The inmates out number the correctional officers 5 to 1 on top of sleeping 22 and plus inmates in the dayroom outside of lock down confinement. It would be impossible for officials to break up riots. large scale fights or murdering amongs inmates specially at night were inmates who sleep on the floor in the dayroom is spaced from wall to wall, fire escape to fire escape without stepping on other inmates.

The constitution is well established as to how much space has to be provided for each inmate.

All inmate plus plaintiffs is being deprived by this over crowding situation of being free from crute and unusual punishment. due to the way Douglas County sentence their inmates and how 'DEC' holds on up to 9, or 13 months before an inmate is sent out to a long term prison. Creating a worldwind of overcrowded prisons in Nebraska.

The 'DEC' has 9 other units simular situated like said unit 4.

Plaintiffs Anthony Hancock and Kenneth Capps

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are diagnosed with a serious mental illness and are made to sleep on the infested infested floor. Plaintiff Anthony Hancock due to the overcrowding has not seen a mental illness doctor yet and he came into Douglas County jail with prescribed psychiatric medication.

Defendant Fred Britton and his staff herein as defendants oversee the operation at DEC along with defendant Scot Frakes, and has made no attempts to lessen the overcrowding and its constitutional violations.

Both defendants have been warned by ACLU of Nebraska of such serious violations, and they still ignore the conditions. At the time of plaintiff's contraction of serious disease defendant Mike Kinney and Robert Houston were said directors of DEC and then ignored any serious conditions due to the overcrowding. Defendants Jane Doe was the medical staff whom deliberately denied medical treatment on August 13, 2015 as well naming defendant Jane Doe 2nd.

All plaintiffs of said class action is currently housed at the Diagnostic and Evaluation Center in Lincoln Nebraska, cell block 4 P.O. Box 22800 Lincoln Nebraska.

1. # Andre John Pace #81789

12. # Andrie Thomas - 82165

2. # Ricky Fletcher #82089

13. # Michael Fleming 82172

3. # Kenneth Capps 81573

14. # Lamont Stewart 81780

4. # Kurt Brown #81055

15. # William Jordan 81088

5. # Cory Mattly # 82182

16. # Brun Abbott 82080

6. # TERRENCE Thompson # 81212

17. # Eric Berning 82234

7. # Brian Spotts # 80847

8. # Lamar Dunn # 82220

9. # Matthew Meyer 81198

10. # Thad Fuge 74205

11. # Dennis Thomas 82677

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Defendants

1. # Fred Britton is the active Warden at DEC and is being sued in his official and individual capacity.
2. # Scot Frokes is the director of corrections and is being sued in his official and individual capacity.
3. # Jane Doe is the medical staff that oversees the medical needs to inmates at DEC and is being sued in her official and individual capacity.
4. # Jane Doe is the medical staff who oversees the medical need to the inmates at DEC and is being sued in her official and individual capacity.
5. # Mike Kinney was the director at the time of plaintiff's complaint in August 2013 of descos.
6. # All Defendants acted under color of law and work or worked at the Diagnostic and Evaluation Center during the time of the allegations.

The plaintiff Andre Pare will supplement his complaint and amend it once discovery has revealed whom Jane Doe 1 and Jane Doe 2 is.

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Relief Requested

- 1.# Order an Preliminary Injunctive Declaring that the defendants of 'DEC' is in direct violation of plaintiffs civil rights to be free from cruel and unusual punishment and order that the defendant temporarily refrain from accepting sentenced inmates "Specifically Douglas County" as it makes up 85% of lengthy sentences, until a court mediator investigates.
- 2.# Order a Preliminary Injunctive Order Declaring that the Plaintiff being forced to sleep on insect infected floors is a direct violations of the inmates 8th Amendment and order the defendant and its staffs to refrain from forcing inmates to sleep on the dayroom floor amongs insects and ratters next to trash cans and the unit toilet
- 3.# Order an Preliminary Injunctive Order stopping the serving of food in this condition on unit 4 and any other unit thats simularly situated.
- 4.# Order an Preliminary Injunctive Order Declaring that the conditions at 'DEC' is so grotesque that inmates doing an duration of 2 to 6 months of being released be released to work release, house arrest, halfway houses, and other county jails to complete their sentence.
- 5# Order an Preliminary Injunctive Order Declaring that inmates

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filthy and clean cloths piled up blocking fire doors is an direct violation of state and federal law

6.# Order on Preliminary Injunctive Order Declaring that the defendant and his staff is in direct violation by forcing the mentally ill to sleep on the floor infested with insects and roters.

7.# Order appointment of council to represent plaintiff in this a class action as its the interest of the public and that most plaintiffs herein suffers from mental illness.

8.# Award plaintiff Andre Pare damages the court feels appropriate to compensate him for pain and suffering resulting from the overcrowded situation.

9.# Award Punitive Damages to each and every plaintiff declaring that the defendants had prior knowledge of the dire conditions and done nothing to prevent it or now correct it.

10.# Award Monetary Damages to the plaintiffs.

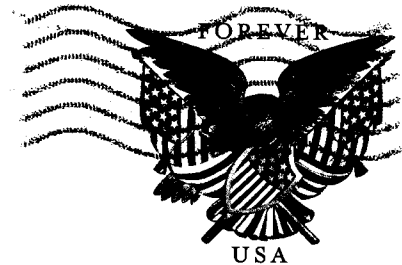
11.# Order DEC and its agency to down size "DEC" by December 4th 2015 to its 300 inmate capacity.

Plaintiffs prays the court grant any other relief it deems appropriate.

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Inmate Name: Andy Pare
Inmate # 481789
P. O. Box 22800
Lincoln, NE 68542-2800

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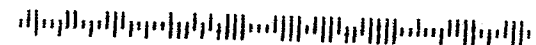
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